

18

September 3, 2003

Attention: E. Shirene Willis
Senior Petitions Attorney

Application Number: 09/554,429

Application Filed: May 11, 2000

For: SYSTEM AND METHOD OF SENDING AND
RECEIVING SECURE DATA WITH A
SHARED KEY

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Application for revival due to unintentional delay

Please accept this letter as my request to have the above patent application reinstated. I have tried very hard to comply exactly with what has been asked of me and I hope, no, I pray, that I have done it right this time. This patent is very important to me and I have tried my best to meet the strict requirements that you adhere to.

If there are any problems, please contact me at your convenience so I can get this application back on track.

Thanking you in advance for any help you can give me on this petition.

Sincerely,



Lynn Spraggs,



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 17

Dr. Lynn Spraggs
Ultra Information Systems
8604 Kalavista Dr.
Vernon, BC V1B 1K3
CANADA

COPY MAILED

JUL 08 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of
Spraggs
Application No. 09/554,419
Filed: May 11, 2000
Attorney Docket No. PA1065US
For: SYSTEM AND METHOD OF SENDING
AND RECEIVING SECURE DATA WITH A
SHARED KEY

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 2003 via facsimile, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is DISMISSED.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137(b)." This is not final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to properly reply to the final Office action, mailed July 3, 2002. Petitioner filed an amendment after final on October 21, 2002 (certificate of mailing date September 27, 2002). The amendment after final failed to place the above-identified application in *prima facie* condition for allowance, as was stated in the October 30, 2002 Advisory Action. This application became abandoned on October 4, 2002. On November 7, 2002, the Office granted a request by the attorneys of record to withdraw from representation. On January 21, 2003, a Notice of Abandonment was mailed. Applicant's petition to revive under 37 CFR 1.137(a), filed April 8, 2003, was dismissed on May 19, 2003 for failure to submit a proper reply and failure to show that the entire delay in responding to the July 3, 2002 final Office action was unavoidable.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). This petition lacks items (1) and (2).

Regarding (1) above, petitioner still has not filed a proper reply. The amendment after final, filed October 21, 2002 (certificate of mailing date September 27, 2002), did not eliminate all of the Examiner's objections and rejections. It did not place the case in *prima facie* condition for allowance. In any reconsideration petition, petitioner must submit one of the following: (1) a Notice of Appeal, (2) a continuing application, or (3) an RCE and submission.

Application No. 09/554,419

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Regarding (2) above, the small entity fee for filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b) is set forth in 37 CFR 1.17(m) as \$650. The payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(b). This requirement cannot be waived. MPEP 711.03(c)(III)(B). A review of Office records indicates that petitioner only authorized the Office to charge \$640 to her credit card.¹ Petitioner is urged to submit \$10.00 and an acceptable reply to the July 3, 2002 final Office action within two (2) months of the mail date of this decision.

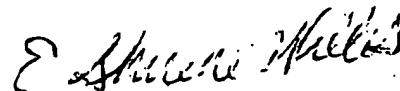
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

¹ Petitioner is informed that it is Office policy to destroy credit card authorization forms after fees are charged to the credit card, due to security concerns. Petitioner must submit another credit card authorization if petitioner desires the Office to charge the \$10 owed to her credit card.

PTO/SB/64 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) PA1065415
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First named inventor: **Lynn D. Spragg**Application No.: **09/554,419**Art Unit: **2134**Filed: **May 11 2000**Examiner: **Matthew Smithers**Title: **System and Method of Sending and Receiving Secure Data with a Shared Key**

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 308-8916

FAX RECEIVED**SEP 03 2003****PETITIONS OFFICE**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-8282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity fee \$ 10 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify type of reply):

has been filed previously on _____.

is enclosed herewith.

B. The issue fee of \$ _____.

has been paid previously on _____.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- Since this utility/plant application was filed on or after June 8, 1985, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Sept 3/2003

Date



Signature

Lynn Spragg

Typed or printed name

2179 11th Ave

Address

Vernon BC CanadaV1T 8V7Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Sept. 3/03

Date



Signature

Lynn Spragg

Typed or printed name of person signing certificate

Fax: 250-549-3751 Phone: 250-542-0112

UIS

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SEP 03 2003

PETITIONS OFFICE

Fax

To:	Office of Petitions	From:	Lynn Spraggs
Fax:	703-308-6916	Pages:	29 including this one
Phone:		Date:	3/09/2003
Re:	Petition 09/554,419	CC:	
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

Attention: E. Shirene Willis

Attached please find the revised petition which I am submitting.

Please call me with any questions you might have.

Lynn Spraggs, Ph.D. P.Eng.

**Phone: 250-542-0112
FAX : 250-549-3751**

